

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

.....X
UNITED STATES,

Plaintiff,

-against-

NOTICE OF MOTION

RAFAEL BARRIOS,


Defendants.


Docket No.: 07-CRIM-658

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DECLARATION OF MARQUIS TRAYHAM

COMES NOW Declarant, Marquis Trayham and, after having been duly sworn, does declare under oath the following to be true and correct:

1. I am Marquis Trayham. I live at 1175 229th Street in the Bronx, New York.
2. On March 30, 2007, I was present on Prospect Avenue between 168th and 169th streets in the Bronx, New York with several other individuals when the police arrived, issued summonses and arrested Rafael Barrios. At that time, myself, Rafael Barrios, Louis Ureana and another individual were standing in front of a dark car. The police approached us, gave out tickets for drinking alcohol in open containers, and arrested Rafael Barrios for a gun that was found underneath the dark car.
3. Later, the police returned to the area and towed away a  Chrysler that was parked on Prospect street. That vehicle was parked in a legal spot, some feet up from a bus stop.


4. The purpose of this declaration is to establish that we were not standing in front of Rafael's car, a  Chrysler, which was legally parked and unlawfully seized, on March 30, 2007



MARQUIS TRAYHAM
ACTS P.2.

The foregoing instrument was sworn to and subscribed before me on this 30th day of September 2007 by Marquis Trayham . He ~~is personally known to me or~~ has produced as identification.

NOTARY PUBLIC



BRUCE A. BARKET
Notary Public, State of New York
No. 02BA4989173
Qualified in Nassau County
Commission Expires December 2, 2009